

## **Panama Canal Regulations**

## **§ 10.20**

census or survey or related activity under the provisions of Title 13, U.S. Code (5 U.S.C. 552a(b)(4));

(6) To a recipient who has provided the Commission with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable (5 U.S.C. 552a(b)(5));

(7) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or that official's designee to determine whether the record has such value (5 U.S.C. 552a(b)(6));

(8) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought (5 U.S.C. 552a(b)(7));

(9) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure notification is transmitted to the last known address of such individual (5 U.S.C. 552a(b)(8));

(10) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee (5 U.S.C. 552a(b)(9));

(11) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office (5 U.S.C. 552a(b)(10)); or

(12) Pursuant to the order of a court of competent jurisdiction (5 U.S.C. 552a(b)(11)).

### **§ 10.18 Accounting of certain disclosures.**

(a) The system manager or his designee shall keep an accurate accounting of each disclosure of personal infor-

mation about an individual from a system of records under his control which is made in accordance with § 10.17(b) of this part, except if that disclosure is to officers and employees of the Commission (§ 10.17(b)(2)) or is required under the Freedom of Information Act (§ 10.17(b)(3)).

(b) This accounting of disclosure shall include:

(1) The date, nature, and purpose of each such disclosure; and

(2) The name and address of the person or agency to whom the disclosure is made.

(c) The system manager shall retain this accounting of disclosure for at least five years after the disclosure or for the life of the record, whichever is longer.

(d) The Commission shall make the accounting of disclosure available to the individual named in the record, at that individual's request, except when the disclosure was made under § 10.17(b)(8) of this part or when the record in question is exempt from the access provisions of the Privacy Act under §§ 10.21 and 10.22 of this part. An individual may request access to the accounting of disclosure by the procedure for requesting access to records that is explained in §§ 10.5 through 10.10 of this part.

### **§ 10.19 Records about deceased persons.**

A record about a deceased person is not covered by the rules in this part, except to the extent that the deceased person's record contains information about a living individual. In disclosing information about a deceased person, the Commission will make every effort to avoid any infringement of the privacy rights of a living individual.

### **§ 10.20 Penalties for noncompliance with the Act.**

Subsections (g) and (i) of 5 U.S.C. 552a provide civil remedies and criminal penalties for noncompliance with the provisions of the Privacy Act of 1974 (Pub. L. 93-579) or regulations implementing that Act. In addition, adverse or disciplinary action may be taken against any officer or employee who willfully or negligently fails to comply with the requirements of the

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Privacy Act or the regulations in this part.

### § 10.21 General exemptions.

(a) The following systems of records are eligible for exemption under 5 U.S.C. 552a(j)(2) because each system is maintained by a component of the agency, or subcomponent, which performs as its principal function the enforcement of criminal laws, and which contains investigatory material compiled for criminal law enforcement purposes. Accordingly, these systems are exempt from the following sections of 552a of 5 U.S.C.: (c) (3) and (4); (d); (e) (1), (2) and (3); (e)(4) (G) and (H); (e) (5); (e)(8); (f); (g); and (h).

(1) PCC/GSCP-2, Canal Protection Division Incident Report Files;

(2) PCC/OIG-1, Investigative Files of the Office of Inspector General;

(3) PCC/OIG-2, Allegation/Complaint Files of the Office of Inspector General;

(4) PCC/OIG-3, Cash Audit Files.

(b) The systems of records listed below, although no longer actively in use, continue to be subject to general exemption pursuant to 5 U.S.C. 552a(j)(2) because they were compiled by a component, or subcomponent, of the agency which performed as its principal function the enforcement of criminal laws, and which contain investigatory material compiled for criminal law enforcement purposes. Accordingly, the following systems of records are exempt from subsections (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4) (G) and (H); (e)(5); (e)(8); (f); (g); and (h) of 5 U.S.C. 552a:

(1) PCC/AEPR-1, Probation and Parole Unit Child Custody Reports;

(2) PCC/AEPR-2, Presentence and Preparole Investigation Reports;

(3) PCC/AEPR-3, Probation and Parole Unit Statistical File;

(4) PCC/GSPL-1, Law Enforcement Case Report File;

(5) PCC/GSPL-2, Police Headquarters Confidential File;

(6) PCC/GSPL-3, Detective Confidential Files;

(7) PCC/GSPL-4, Convict Files;

(8) PCC/GSPL-6, Police Photo Files;

(9) PCC/GSPL-7, Fingerprint File;

(10) PCC/GSPL-10, Master Name File;

(c) Exemptions from the particular subsections are justified for the following reasons:

(1) From (c)(3) because release of an accounting of disclosures to an individual who is the subject of an investigation could reveal the nature and scope of the investigation and could result in the altering or destruction of evidence, improper influencing of witnesses and other evasive action that could impede or compromise the investigation.

(2) From (c)(4) because this subsection is inapplicable to the extent that an exemption is being claimed for subsection (d).

(3) From subsection (d) because access to the records contained in these systems would inform the subject of a criminal or civil investigation, matter or case of the existence of such, and provide the subject with information that might enable him or her to avoid detection, apprehension or legal obligations, and present a serious impediment to law enforcement and other civil remedies. Amendment of the records would impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(4) From subsection (e)(1) because it is often impossible to determine relevance or necessity of information in the early stages of an investigation. The value of such information is a question of judgment and timing; what appears relevant and necessary when collected may ultimately be evaluated and viewed as irrelevant and unnecessary to an investigation. In addition, information may be obtained concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, information should be retained because it may aid in establishing patterns of unlawful activity and provide leads for other law enforcement agencies. Further, in obtaining evidence during an investigation, information may be provided which relates to matters incidental to the main purpose of the investigation but which may be pertinent to the investigative jurisdiction of another agency. Such information cannot readily be identified.